

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road, P.O. Box 9133
Concord, MA 01742-9133

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

CENTRAL LOCATION

RECEIVED
CENTRAL FAX CENTER

DEC 13 2005

FACSIMILE COVER SHEET

Examiner: Leon B. Lankford, Jr.

Group: 1651

Date: December 13, 2005

Client Code: 2831

Facsimile No.: 571-273-8300

From: Mary K. Murray, Ph.D.
Reg. No.: 47,813

Subject: Paper: Reply After Final Rejection

Docket No.: 2831.2003-000

Applicants: Tony W. Ho, Gene C. Kopen, William F. Righter, J. Lynn Rutkowski
and Joseph Wagner

Serial No.: 09/960,244

Filing Date: September 21, 2001

Number of pages including this cover sheet: 9

Please confirm receipt of facsimile: Yes ☒ No ☐

Comments:

PLEASE SEE ATTACHED.

\\PFDesktop\ODMA\MHODMA\HBSR05\Manager\391829.1

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

BEST AVAILABLE COPY

NSP/MKM/jjw
December 13, 2005

DOCKET NO. 2831.2003-000

Expedited Procedure under 37 C.F.R. 1.116Examining Group 1651

RECEIVED
CENTRAL FAX CENTER

DEC 13 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tony W. Ho, Gene C. Kopen, William F. Righter, J. Lynn Rutkowski
and Joseph Wagner

Application No.: 09/960,244 Group: 1651

Filed: September 21, 2001 Examiner: Lankford, Jr., Leon B.

Confirmation No.: 4326

For: CELL POPULATIONS WHICH CO-EXPRESS CD49C AND CD90

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
12/13/05	<i>Jennifer Warner</i>
Date	Signature
Jennifer Warner	
Typed or printed name of person signing certificate	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Reply After Final Rejection for filing in the above-identified application.

- [] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- [] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

09/960,244

-2-

The claims fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	6	MINUS *	96	
INDEP	1	MINUS **	22	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

* not fewer than 20
** not fewer than 3

SMALL ENTITY

	RATE	ADDIT. FEE
X	\$ 25	\$
X	\$ 100	\$
+	\$ 180	\$

TOTAL= \$ 0

OTHER THAN
SMALL ENTITY

	RATE	ADDIT. FEE
X	\$ 50	\$ 0
X	\$ 200	\$ 0
+	\$ 360	\$

TOTAL= \$ 0

The Application Size Fee has been calculated as shown below:
(Effective for cases filed on or after December 8, 2004)

Actual Sheets (Including current amendment)	Highest No. of Sheets Paid For (At least 100)	No. of Additional Units Required (Increments of 50 sheets)

SMALL ENTITY

Rate	Total Amount Owed
X \$125	\$[]

OTHER THAN
SMALL ENTITY

Rate	Total Amount Owed
X \$250	\$[]

Payment
Sufficient for
up to

[] Sheets

Petition for Extension of Time

- [] Applicant hereby petitions to extend the time to respond to the [] dated [] for [] month(s) from [] to []. The appropriate fee is set forth below.
- [] [For action-specific language in an extension of time, go to insert, file, public folders, firm templates, and select the appropriate paragraph.]

09/960,244

-3-

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$	_____
<input type="checkbox"/>	Claims Fee	\$	_____
<input type="checkbox"/>	Application Size Fee	\$	_____
<input type="checkbox"/>	Other Fees:		
		\$	_____
		\$	_____
		TOTAL:	\$ <u>0</u>

A check is enclosed in payment of the following fees:

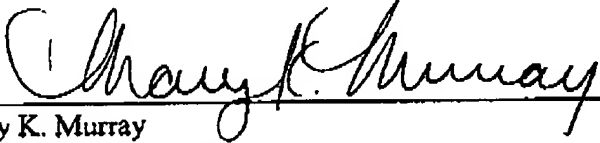
<input type="checkbox"/>	Petition for [] month Extension of Time	\$	_____
<input type="checkbox"/>	Claims Fee	\$	_____
<input type="checkbox"/>	Application Size Fee	\$	_____
<input type="checkbox"/>	Other Fees:		
		\$	_____
		\$	_____
		TOTAL:	\$ <u>0</u>

☒ Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


Mary K. Murray
Registration No.: 47,813
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: December 13, 2005

@PFDesktop::ODMA/MHODMA/IIBSR05;IManage;591585;1
NSP/MKM/jjw
December 13, 2005

PATENT APPLICATION
Attorney's Docket No.: 2831 2003-000
Expedited Procedure under 37 C.F.R. § 1.116
Examining Group 1651

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

DEC 13 2005

Applicants: Tony W. Ho, Gene C. Kopen, William F. Righter, J. Lynn Rutkowski
and Joseph Wagner

Application No.: 09/960,244

Group: 1651

Filed: September 21, 2001

Examiner: Lankford, Jr., Leon B.

Confirmation No.: 4326

For: CELL POPULATIONS WHICH CO-EXPRESS CD49C AND CD90

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on.	
<u>12/13/05</u>	<u>[Signature]</u>
Date	Signature
<u>[Typed Name]</u>	
Typed or printed name of person signing certificate	

REPLY AFTER FINAL REJECTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply After Final Rejection is being filed in response to the Office Action made Final mailed from the U.S. Patent and Trademark Office on November 30, 2005 and a December 7, 2005 telephone conference call with Examiner Leon B. Lankford, Jr. for the above-identified application.

Please amend the application as follows:

BEST AVAILABLE COPY